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In re Application of COUFFIN et al :
U.S. Application No.: 10/596,578 :
PCT Application No.: PCT/CA2006/000772 :
Int. Filing Date: 12 May 2006 :
Priority Date Claimed: 12 May 2005 : DECISION
Attorney Docket No.: BRKP:025US :
For: ABSORBENT HYDROPHOBIC :
BORONATE GALACTOMANNAN COMPLEXES :
AND PROCESS FOR PRODUCING SAME :

This is in response to applicant's petition under 37 CFR 1.181 filed 12 June 2009.

BACKGROUND

On 12 May 2006, applicant filed international application PCT/CA2006/000772, which claimed priority of an earlier Canada application filed 12 May 2005. A copy of the international application was communicated to the USPTO from the International Bureau on 16 November 2006. The thirty-month period for paying the basic national fee in the United States expired on 12 November 2007.

On 16 June 2006, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 08 July 2008, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 06 February 2009, applicant filed a petition under 37 CFR 1.47(a).

On 18 March 2009, this Office mailed a decision dismissing the 06 February 2009 petition.

On 04 June 2009, the Office mailed a Notice of Abandonment, which stated that the application is abandoned for failure to timely respond to the 18 March 2009 decision.

On 12 June 2009, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

The present petition requests that the Notice of Abandonment be withdrawn. A review of the 18 March 2009 decision reveals that the two-month period for reply is extendable by five months. Therefore, the Notice of Abandonment was sent prematurely.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is GRANTED.

The Notice of Abandonment mailed 04 June 2009 is hereby VACATED.

The application will be held in the Office of PCT Legal Administration to await applicant's response to the 18 March 2009 decision.

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